

Translation

PATENT COOPERATION TREATY

PCT/EP2003/012118



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CI0054PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/012118	International filing date (day/month/year) 31 October 2003 (31.10.2003)	Priority date (day/month/year) 05 November 2002 (05.11.2002)
International Patent Classification (IPC) or national classification and IPC B65B 41/14		
Applicant CFS GERMANY GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 03 June 2004 (03.06.2004)	Date of completion of this report 22 December 2004 (22.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/012118

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-7 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_ 2-18 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 20 October 2004 (20.10.2004)
- ☒ the drawings:  
pages \_\_\_\_\_ 1/8-8/8 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-11, 14, 18	YES
	Claims	12, 13, 15-17	NO
Inventive step (IS)	Claims	1-11	YES
	Claims	12-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

**2. Citations and explanations**

Reference is made to the following documents:

- D1: DE 195 25 523 A (TETRA LAVAL CONVENIENCE FOOD) 16  
January 1997 (1997-01-16)
- D2: US-A-3 726 389 (KLEIN T) 10 April 1973 (1973-04-10)
- D3: FR-A-2 484 381 (MULTIVAC HAGENMUELLER KG) 18  
December 1981 (1981-12-18)
- D4: DE 572 755 C (HORN UND KLAUENVERWERTUNG ALFR) 22  
March 1933 (1933-03-22)
- D5: DE 23 55 921 A (WALDNER KG H) 15 May 1975 (1975-05-15)
- D6: US-A-3 738 556 (GREBE L) 12 June 1973 (1973-06-12).

**1. Claims 1-11**

Document D1 is considered the prior art closest to the subject matter of claim 1. It discloses a tensioning part from which the subject matter of claim 1 differs by virtue of its characterizing features. The subject matter of claim 1 is therefore novel.

The problem to be solved by the present invention is therefore understood to be that of providing a

tensioning part which is easier and cheaper to produce.

For the following reasons the solution to this problem as proposed in claim 1 of the present invention involves an inventive step (PCT Article 33(3)): an arrangement wherein the spring cooperates with the second surface of the supporting tab and the foot is not suggested by the known prior art.

Claims 2-10 are dependent on claim 1, and claim 11 relates to a transport chain having a tensioning part according to claim 1. Claims 2-11 therefore likewise meet the PCT requirements for novelty and inventive step.

**2. Claims 12-18**

Documents D1 and D2 both disclose opening and closing means which are suitable for a tensioning part according to the invention and have all the features of claims 12 and 15. Consequently, the subject matter of claims 12 and 15 is not novel.

Dependent claims 13, 14 and 16-18 contain no features which, when combined with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step (see documents D1, D2, D3 and D6, and the relevant passages cited in the international search report).